

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

JEFFREY TAYLOR and ROBERT SELWAY,  
on behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware  
corporation,

Defendant.

Case No. 2:24-cv-00169

**NOTICE OF RELATED CASE**

Pursuant to Local Civil Rule 3(g)(1), Plaintiffs Jeffrey Taylor and Robert Selway hereby submit this notice of a pending, related case in the Western District of Washington. The related case is *Hogan v. Amazon.com Inc.*, 2:21-996-JHC (“*Hogan*”), assigned to Judge John H. Chun and inclusive of all cases consolidated with *Hogan*.<sup>1</sup>

Both the *Taylor* and the *Hogan* Actions seek to represent consumer classes injured by Amazon’s practice of selecting the retail offer that is featured to consumers on Amazon Marketplace as the “Featured Offer” or Buy-Box winner. However, that is where the resemblance ends. Plaintiffs Taylor and Selway assert a single claim under the Washington Consumer Protection Act on grounds that Amazon’s Buy Box selection process defrauds consumers by giving preference to Amazon and sellers that use Amazon’s logistics service even when a lower priced option is available for the same product with equivalent delivery speed.

By contrast, *Hogan* exclusively raises federal “antitrust claims” under Sections 1 and 2 of the Sherman Act “against Amazon.com Inc. and Amazon.com Services LLC (“Amazon”) based on . . . allegations that the company overcharges consumers by tying third-party sellers’ access to the ‘Buy Box’ on Amazon’s website to third-party sellers’ use of Amazon’s fulfillment services.”<sup>2</sup> To illustrate the disparity in factual and legal requirements between these two Actions, none of the bases Amazon asserts to dismiss the *Hogan* antitrust action bear on the *Taylor* Plaintiffs’ deceptive practices Action, i.e., whether the *Hogan* Plaintiffs have antitrust standing; the sufficiency of their allegations of an antitrust violation (whether they allege a legally cognizable tie, market power in the tying product market, coercion in the purchase of the tied product) and whether they allege plausible facts to support fraudulent concealment.<sup>3</sup>

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<sup>1</sup> *Hogan*, ECF No. 17 (consolidating *Hogan* with *Seberson v. Amazon.com, Inc.*, No. 21-cv-1009); ECF No. 61 (Order consolidating *Hogan* and *Hopper v. Amazon.com, Inc.*, No. 2:23-cv-01523 (W.D. Wash.), and ordering that the Second Amended Complaint in *Hogan*, ECF No. 44, will be the operative complaint and the Court’s ruling on the pending motion to dismiss in *Hogan*, ECF No. 49, shall bind all parties to the consolidated action).

<sup>2</sup> *Hogan*, ECF No. 61 (Order) at 2.

<sup>3</sup> *Hogan*, ECF No. 49 at i (table of contents to Amazon’s motion to dismiss).

1 The *Taylor* Plaintiffs respectfully submit that while assignment to Judge Chen may  
2 minimize some duplication of labor and expense relating to discovery into Amazon's Buy Box  
3 selection process, consolidation of the *Taylor* complaint with the *Hogan* complaint would not be  
4 appropriate given the different legal claims and core factual allegations supporting the actions'  
5 respective causes of action.

6 DATED this 8th day of February 2024.

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Steve W. Berman

Steve Berman (WSBA# 12536)

By: /s/ Barbara Mahoney

Barbara Mahoney (WSBA# 31845)

Meredith S. Simons (*pro hac vice* forthcoming)

1301 Second Avenue, Suite 2000

Seattle, WA 98101

Telephone: (206) 623-7292

Facsimile: (206) 623-0594

Email: [steve@hbsslaw.com](mailto:steve@hbsslaw.com)

[barbaram@hbsslaw.com](mailto:barbaram@hbsslaw.com)

[merediths@hbsslaw.com](mailto:merediths@hbsslaw.com)

*Attorneys for Plaintiffs*